

**CITY OF DURHAM | DURHAM COUNTY
 NORTH CAROLINA**



Zoning Map Change Report

Meeting Date: September 27, 2010

Reference Name	Glenn School Commercial (Z0900019)		Jurisdiction	County
Request	Proposed Zoning	Commercial General with a development plan (CG(D))		
	Existing Zoning	Residential Rural (RR)		
	Proposed Use	33,500 square feet of commercial		
	Existing Use	Vacant		
Site Characteristics	Development Tier	Suburban		
	Land Use Designation	Commercial		
	Site Acreage	9.53 acres		
	Overlays	F/J-B, MTC		
	River Basin	Neuse		
	Drainage Basin	Falls Lake		
Applicant	Tim Sivers, Horvath Associates, PA		Submittal Date	December 14, 2009
Location	1719 and 1721 Glenn School Road, on the south side of Glenn School Road between Glenn Road and Interstate-85			
PINs	0843-04-61-0065, -60-2925, -3622 (partial)*			
Recommendations/ Comments	Staff	Approval, based on consistency with the <i>Comprehensive Plan</i> and considering the information contained in this report.		
	Planning Commission	Denial 11-1, on August 10, 2010. The Planning Commission finds that the ordinance request is consistent with the adopted <i>Comprehensive Plan</i> . However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, concerns regarding impacts on the environment, and inadequate facilities provided in the development plan.		
	DOST	No comments		
	BPAC	See attached memo (Attachment 9)		

*A plat recorded on 12/1/2009 shows recombination of 0843-04-60-2925 and -3622 (partial). The tax map and PINs have not yet been updated.

A. Summary

This is a request to change the zoning designation of two parcels totaling 9.53 acres from RR to CG(D), located at 1719 and 1721 Glenn School Road, on the south side

of Glenn School Road between Glenn Road and Interstate – 85 (see Attachment 1). The project proposes a total of 33,500 square feet of floor area. The request is consistent with the future land use designation and applicable policies of the *Comprehensive Plan*.

A development plan has been submitted with this request (see Attachment 4). A development plan allows the applicant to proffer commitments that are equal to or greater than Ordinance requirements. In addition to the minimum commitments (Sec. 3.5.6.D.4) required of a development plan, this proposal displays graphic commitments (per Sec. 3.5.6.D.5), text commitments (per Sec. 3.5.6.D.6), and design commitments (per Sec. 3.5.6.D.8). A summary of commitments in excess of ordinance standards are described in the following table (*with text commitments proffered as a result of the Planning Commission hearing shown in italics*):

Summary of Development Plan Commitments		
Commitment Type	Description	Development Plan Sheet
Minimum	Building floor area: 33,500 square feet	D100
	Project Boundary Buffers identifies a reduction along the east boundary if approved by DRB	D100
	2 access driveways, if approved by NCDOT, and 6 cross access easements (2 of 3 cross access points required along east, the third being optional)	D100
	Dedicate 30 feet of right-of-way along Glenn School Road	D100
	4-foot wide paved shoulder along the site frontage for consistency with the Long Range Bicycle Plan , Map 4.5 (see text commitment 3)	D000
	Proposed impervious surface = 70% (6.518 acres)	D100
	100-foot stream buffer for offsite stream as shown	D100
	The general location of tree preservation areas shown along west and south of site and totals 10% of the site area (45,566 square feet)	D100
Graphic	See Commitment Types: Minimum, Text, and TIA	D000, D100
Text	<ol style="list-style-type: none"> Thirty (30) feet of right-of-way will be dedicated to the public along the entire frontage of the subject property on Glenn School Road prior to the first certificate of occupancy. A minimum of three (3) pavement core samples from each lane (6 total) of Glenn School Road across the project frontage and up to the interstate ramps are required. Results shall be provided to NCDOT to determine the appropriate improvements. The developer will improve Glenn School Road across the project frontage and up to the interstate ramps to provide the appropriate pavement structure per NCDOT standards prior to the first certificate 	D000

	<p>of occupancy.</p> <ol style="list-style-type: none"> 3. A minimum four (4) foot wide paved shoulder will be provided in both directions within the full length of the roadway improvements. 4. If Durham Area Transit Authority provides bus service to this location during the life of the project, a bus shelter will be provided. 5. <i>The following uses will be excluded from the development:</i> <ul style="list-style-type: none"> -indoor firing range -nightclub or bar 	
SIA	Stormwater commitments have not been proffered.	n/a
TIA	<p>The Transportation Impact Analysis (TIA) resulted in the following commitments:</p> <p><u>Glenn School Road and I-85 Northbound Ramp Intersection</u></p> <ol style="list-style-type: none"> 1. Install a traffic signal with interconnect cable to the I-85 southbound ramp and Glenn View Station intersections (subject to MUTCD warrants and approval by NCDOT). <p><u>Glenn School Road and Site Driveway #1 Intersection</u></p> <ol style="list-style-type: none"> 1. Construct a westbound left-turn lane on Glenn School Road with adequate storage and appropriate tapers. 2. Construct site driveway #1 with one ingress lane, two egress lanes with an appropriate internal tangent throat distance. 3. With future construction of Northern Durham Parkway, this access may be limited to right-in/right-out only. <p><u>Glenn School Road and Site Driveway #2 Intersection</u></p> <ol style="list-style-type: none"> 1. Construct a westbound left-turn lane on Glenn School Road with adequate storage and appropriate tapers. 2. Construct a monolithic concrete median (left-over type median) on Glenn School Road to prohibit northbound left-turns from site driveway #2 onto westbound Glenn School Road. 3. Construct site driveway #2 with one ingress lane, one egress lane with an appropriate internal tangent throat distance. 4. With the future construction of Northern Durham Parkway, this access may be limited to right-in/right-out only. 	D000 and D100
Design	<p>Description of Architectural Style:</p> <ol style="list-style-type: none"> 1. General Architectural Style: The architectural design of this development will be of a contemporary nature. The design of the site in the development plan will allow the development flexibility in recruiting major anchor tenants while abiding to the regulations below. 2. Exterior Building Materials: The primary building materials to be used within the development can be a choice or combination of brick, block or EIFS with 	D000

	<p>visible trim and roofs to be a metal. Any side or rear elevation facing of a public street will match the materials and design elements of the building's front façade.</p> <ol style="list-style-type: none"> 3. Colors: The color scheme is limited to three to five main colors to be dictated by the first major anchor tenant to locate with the site. This will allow national chains flexibility with their building architecture and set the guidelines for future tenants. 4. Rooflines: Flat roofs and sloped (gabled, hipped, etc.) roofs will be allowed. When a front façade faces a public street and its roofline is visible from that street, the front facade roofline will vary in height and/or shape to avoid continuous horizontal rooflines. Parapet walls will be permitted to allow for this design look. All roof top equipment shall be completely screened from views along public street right-of-ways. 5. Window: Windows will be used along the fronts of all buildings. The rear of the buildings shall be finished in color(s) which compliment the overall architecture. The rear of the buildings which face public right-of-ways shall have enhanced facades or shall be buffered and screened from the right-of-way. The enhancement shall include materials and color(s) to match the front elevation as well as elements which provide vertical and horizontal relief to the façade to help reduce the overall scale of the building. 6. Entryways: Primary entrances to buildings will be at the front of the building where facing a public street of facing a parking area. Buildings which front directly on the right-of-way, without having a parking between the building and the road, are allowed to have their primary entrances on the side of the building located nearest the largest parking area serving the building. 7. Building Height: Buildings can vary in number of stories and height. 	
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B. Site History

There have been no recent zoning map change requests for this site.

C. Area Characteristics

The site is located in the Suburban Tier, generally in the southeast quadrant of the intersection of Interstate 85 and Glenn School Road. The area surrounding the site has a rural character with a mix of uses, including undeveloped tracts, a place of worship, agriculture, and single-family homes on large lots. Over the last several years, a 54-acre shopping center was developed just east of Interstate 85 on Glenn

School Road, approximately ¼ mile from the subject site. Zoning districts in the area include RR, Commercial Neighborhood (CN), and CG.

Adjoining Uses, Zoning Districts and Overlays			
	Existing Uses	Zoning Districts	Overlays
North	Single-family, agriculture, vacant	RR	F/J-B
East	Vacant retail, vacant	CN	F/J-B, MTC (partial)
South	Vacant	CG(D)	F/J-B, MTC (partial)
West	Single-family residential, place of worship	RR	F/J-B

The *Durham Trails and Greenways Master Plan* identifies a trail along Glenn School Road and the *Long Range Bicycle Plan*, Map 4.5, shows a proposed paved shoulder and greenway along Glenn School Road (future route of Northeast Durham Parkway).

Staff Analysis and Conclusion. Over the last several years there has been development interest in this area since the interstate interchange provides ready-access for regional users and visibility for commercial tenants. The associated development plan meets ordinance standards for respecting adjacent properties through the use of required project boundary buffers.

D. Site Characteristics

This 9.53-acre site is located at 1719 and 1721 Glenn School Road and is comprised of two parcels. The site is mostly covered with trees with the exception of two single-family structures and a 68-foot wide Duke Power easement running approximately north-south through the eastern portion of the site. A portion of a 100-foot stream buffer impacts the western boundary of the site.

Code Requirements				
Resource Feature	UDO Provision	Required	Proposed	Consistent
Tree Coverage (minimum)	8.3.1.C	10% (40,566 square feet)	10% (40,566 square feet)	Yes
Stream buffer (minimum)	8.5.4	100 feet	100 feet	Yes

Staff Analysis and Conclusion. There are no identified environmental or physical constraints that could prevent this site from being developed under ordinance standards. The development plan demonstrates conformance with UDO standards.

E. Requested Zoning District Characteristics

CG (Commercial General) – the CG district is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares; therefore, should be convenient to automotive traffic and maintain safe traffic flows. While CG is a commercial district, other uses such as residential and office may also be allowed. Some of the uses allowed in this district include hotels, self-service storage, car washes, and vehicle sales.

D (Development Plan) – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a representation of the proposed site has been submitted that indicates how the proposed development meets ordinance standards.

Falls/Jordan District B (-F/J-B), Watershed Protection Overlay – The purpose this overlay district is to preserve the quality of the region's drinking water supplies through application of the development standards intended to protect the environment. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:

- Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
- Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

-MTC (Major Transportation Corridor Overlay) – The Major Transportation Corridor Overlay (MTC) is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. The MTC district requires buffers next to major transportation corridors and limits the height of signs.

Zoning District Requirements – CG				
	Code Provision	Required	Proposed	Consistent
Minimum Site Area (square feet)	6.10.1B	20,000	414,830	Yes
Minimum Lot Width (feet)	6.10.1B	100	420	Yes
Minimum Street Yard (feet)	6.10.1B	25	25	Yes
Minimum Side Yard (feet)	6.10.1B	20	22.5	Yes
Minimum Rear Yard (feet)	6.10.1B	25	50	Yes

Project Boundary Buffers – Section 9.4				
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity	Consistent
North	RR	n/a (adjacent to right-of-way 60 feet or greater)	n/a	Yes
East	CN	0.4/0.6	0.6 (22.5 feet if reduced)*	Yes
South	RR	0.6/0.8	0.8	Yes
West	RR	0.6/0.8	0.8	Yes

*The Development Review Board (DRB) may reduce buffer width up to 25% per UDO Section 9.1.3

Staff Analysis and Conclusion. The development plan conforms to the standards of the requested district. The design guidelines provided on sheet D000 are sufficient to meet ordinance requirements. However, they provide minimal commitment regarding building appearance and design.

F. Infrastructure Impacts

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

1. Road Impacts

Glenn School Road and Interstate-85 are the major roads impacted by the proposed zoning change. This site is adjacent to the NCDOT project to construct the Northern Durham Parkway (U-4721). This project is currently unfunded.

The trip distribution based on the assumption of the table below can be characterized using the 80% (toward I-85) / 20% (toward Glen Road). The maximum impact of this project would be 80% of 10,077 or 8,062 additional trips. With 2,100 existing trips on Glenn School Road and a LOS D capacity of 11,700 trips, the total trips would be 2,100 + 8,062 or 10,162 trips. This represents a capacity of 87% of LOS D.

Road Impacts		
Affected Segments	Glenn School Road	Interstate-85
Current Roadway Capacity (LOS D) (ADT)	11,700	67,200
Latest Traffic Volume (AADT)	2,100	44,000
Traffic Generated by Present Designation (average 24 hour)	136*	
Traffic Generated by Proposed Designation (average 24 hour)	10,077**	
Impact of Proposed Designation	A increase of 9,941 daily trips**	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2002)

Glenn School Road: 2-lane major city/county roadway without left-turn lanes

Interstate-85: 4-lane freeway

Source of Latest Traffic Volume: 2007 NCDOT Traffic Count Map

*Assumption- (Max Use of Existing Zoning) – RR: 11 single-family lots

** Assumption- (Max Use of Proposed Zoning) – CG (D): convenience store with 14 fueling positions and a 5,000 SF fast-food restaurant with drive-thru

2. Transit Impacts

Transit service is not currently provided within one-quarter mile of the site. The closest transit stop is located 0.4 miles away at Glenn View Station.

3. Utility Impacts

The site will be served by public water and sewer.

4. Drainage/Stormwater Impacts

The plan as submitted conceptually meets the minimum ordinance standards for a zoning map change request. Final approval of the stormwater impact analysis will occur at the time of site plan approval.

5. School Impacts

The proposed zoning is estimated to generate 21 students if developed as residential use. This represents an increase of 17 students over estimated student impact of the existing zoning district. Durham Public Schools serving the site are Glenn Elementary School, Chewning Middle School, and Northern High School.

School Impacts-System Totals			
	Elementary School	Middle School	High School
Current Building Capacity	16,273	8,645	9,859
Maximum Building Capacity (110% of Building Capacity)	17,900	9,510	10,845
20th Day Attendance (2009-10 School Year)	16,055	6,530	9,844
Committed to Date (July 2007 – June 2010)	224	72	41
Available Capacity	1,621	2,908	960
Potential Students Generated – Current Zoning*	2	1	1
Potential Students Generated – Proposed Zoning**	12	5	4
Impact of Proposed Zoning	+10	+4	+3

*Assumption- (Existing Zoning) – RR: 11 single-family units

**Assumption- (Proposed Zoning) – CG(D): 100 apartments

6. Water Supply Impacts

The proposed use associated with this zoning request is estimated to generate a demand for water of 4,187 gallons per day (GPD). This represents an increase of 2,482 GPD in water usage over the existing estimated water usage of the site.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	25.38 MGD
Approved Zoning Map Changes (July 2007 –June 2010)	1.26 MGD
Available Capacity	10.36 MGD
Estimated Water Demand Under Present Zoning*	1,705 GPD
Potential Water Demand Under Proposed Zoning**	4,187 GPD
Potential Impact of Zoning Map Change	+2,482 GPD
Notes: MGD = Million gallons per day	

*Assumption-(Max Use of Existing Zoning)–RR: 11 single-family units

** Assumption- (Max Use of Proposed Zoning) – CG(D): 33,500 SF commercial

Staff Analysis and Conclusion. Infrastructure is available to serve development pursuant to the zoning request.

G. Plan Consistency

Plan Requirements			
<i>Comprehensive Plan</i>	Policy	Requirement(s) (LOS = Level of Service)	Consistent
	Future Land Use Map	Commercial	Yes
	2.2.5a	Demand for Commercial Land	Yes
	2.2.5b	Spacing of Commercial Development	Yes
	2.2.5c	Strip Commercial Development	Yes
	8.1.2m	Transportation LOS	Yes
	8.1.4b	Development Review and the Adopted Trails and Greenway Plan	Yes
	8.1.4d	Development Review and the Adopted Regional Bicycle Plans	Yes
	9.4.1a, b, c	Water Quantity and Quality LOS	Yes
	11.1.1a	School LOS	Yes

Staff Analysis and Conclusion. This request is consistent with the policies of the *Comprehensive Plan* that are applicable to the requested development.

It is noted that the future 120 foot right-of-way, of which the applicant is dedicating 30 feet for, should be wide enough to accommodate a greenway pursuant to policy 8.1.4d. This assumption is based on the road being developed as a four-lane divided roadway. However, if NCDOT determines this section be a six-lane divided roadway then the greenway will likely not fit into the 120 foot cross section. NCDOT has not yet made the determination of the lane requirements and the project is currently unfunded. Additionally, the greenway could be constructed at the time of site plan as an alternate sidewalk, subject to Development Review Board approval.

H. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Northeast Neighborhood Association (NENA)
- Ellerbe Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

I. Recommendations

Staff recommends approval, based on consistency with the *Comprehensive Plan*, and considering the information provided in this report.

Planning Commission recommends denial. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, concerns regarding impacts on the environment, and inadequate facilities provided in the development plan.

J. Summary of Planning Commission Minutes August 10, 2010 (Case Z0900019)

Request: RR to CC(D)

Staff Recommendation: Approval. Ms. Wolff presented the staff report.

Public Hearing: Chair Brown opened the public hearing. One person spoke in favor and no one spoke in opposition. Chair Brown closed the public hearing.

Commission Discussion: Commission discussion centered around impervious surface, traffic, potential uses, and the lack of detail represented on the development plan.

Motion: Approval with one additional commitment (Mr. Brine, Ms. Jacobs 2nd)

Action: Motion failed, 11-1 (with Kimball voting yes).

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. However, the Commission believes the request is not reasonable nor in the public interest and recommends denial based on problems of traffic congestion and inadequate transportation infrastructure, concerns regarding impacts on the environment, and inadequate facilities provided in the development plan.

K. Staff Contact

Amy Wolff, Planner, 560-4137 x28235 or Amy.Wolff@durhamnc.gov.

L. Applicant Contact

Applicant: Tim Sivers, Horvath Associates, PA, 919-490-4990, or tim.sivers@horvathassociates.com.

M. Attachments

1. Context Map
2. Future Land Use Map
3. Aerial Photograph
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement Forms
7. Durham Transportation Department TIA Memorandum
8. NCDOT TIA Memorandum
9. Bicycle and Pedestrian Advisory Commission Memorandum
10. Submittal and Review History

11. Planning Commissioner's Written Comments
12. Ordinance Form